UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,426	12/31/2003	Dilip Madhusudan Ranade	5760-18800	1784

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EXAMINER
BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/750,426	RANADE ET AL.
	Examiner	**Art Unit**	
	DJENANE M. BAYARD	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-48* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *31-48* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

1.   This is in response to amendment filed on 5/12/08 in which claims 31-48 are pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 31-48 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 31-35, 37-41, 43-47 are rejected under 35 U.S.C. 102(e) as being anticipated by

U.S. Patent No. 6,763362 to McKeeth.

a.   As per claims 31, 37 and 43, McKeeth teaches a system comprising: one or more

processors (See col. col. 4, lines 26-60); and memory storing program instructions; wherein the

program instructions are executable by the one or more processors to: store a replica of a data

object (See col. 5, lines 60-67); store history information indicative of previous accesses to the

replica of the data object (See col. 7, lines 35-63); and in response to receiving a write request to

update the replica of the data object, select one or more operations to perform on the replica of

the data object based on the history information, wherein the one or more operations selected

based on the history information include one or more of: updating the replica of the data object;

and marking the replica of the data object as stale (See col. 3, lines 3-35).

b.   As per claims 32, 39 and 44, McKeeth teaches the claimed invention as described above.

Furthermore, McKeeth teaches wherein selecting the one or more operations based on the history

information comprises: analyzing the history information to determine a number of accesses to

the replica of the data object received within a first time period; and selecting to update the

replica of the data object in response to determining that the number of accesses received within

the first time period is greater than or equal to a threshold value (See col. 3, lines 3-35).

c.   As per claims 33 and 45, McKeeth teaches the claimed invention as described above.

Furthermore, McKeeth teaches wherein selecting the one or more operations based on the history

information comprises: analyzing the history information to determine a number of accesses to

the replica of the data object received within a first time period (See col. 8, lines 29-41); and

selecting to mark the replica of the data object as stale in response to determining that the

number of accesses received within the first time period is less than a threshold value (See col. 2,

lines 59-65).

d.   As per claims 34, 40 and 46, McKeeth teaches the claimed invention as described above.

Furthermore, McKeeth teaches wherein the replica of the data object includes a plurality of

portions of data; wherein the write request to update the replica of the data object comprises a

write request to update a first portion of the plurality of portions of data; wherein said updating

the replica of the data object comprises updating the first portion of the plurality of portions of

data; wherein said marking the replica of the data object as stale comprises marking the first

portion of the plurality of portions of data as stale (See col. 6, lines 19-33)..

e.   As per claims 35, 41 and 47, McKeeth teaches the claimed invention as described above.

Furthermore, McKeeth teaches wherein selecting the one or more operations based on the history

information comprises: analyzing the history information to determine a number of accesses to

the first portion of the plurality of portions of data received within a first time period (See col. 8,

lines 14-41); selecting to update the first portion of the plurality of portions of data if the number

of accesses received within the first time period is greater than or equal to a threshold value;

selecting to mark the first portion of the plurality of portions of data as stale if the number of

accesses received within the first time period is less than the threshold value (See col. 3, lines 3-

6).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 36, 42 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,763362 to McKeeth in view of U.S. Patent No. 2002/0087797 to Adrangi.

a.   As per claims 36, 42 and 48, McKeeth fails to teach wherein the replica of the data object

comprises a replica of a file.

Adrangi teaches wherein the data object comprises a replica of a file (See paragraph [

0044]).

It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Adrangi in the claimed invention of McKeeth in order to

cache popular network content (See paragraph [0008]).

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DJENANE M. BAYARD whose telephone number is (571)272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

/D. M. B./
Examiner, Art Unit 2141
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144